

Remarks

I. Status of the Claims and Amendments to the Specification

Amendments to the specification are sought to correct minor typographical errors, to add reference to SEQ ID NOs and to insert a Substitute Sequence Listing, submitted herewith. In accordance with 37 C.F.R. § 1.825(a), this submission includes no new matter. In accordance with 37 C.F.R. § 1.825(b), the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith in the above-captioned application are the same. Accordingly, the foregoing amendments to the specification do not introduce new matter, and their entry is respectfully requested.

Upon entry of the foregoing amendments, claims 1-53 are pending in the application, with claims 1 and 53 being the independent claims. Amendment is sought to claims 1, 29, 35, 38, 48 and 49 to: add reference to SEQ ID NOs in compliance with 37 C.F.R. §§ 1.821-1.825; to correct minor typographical errors; and/or to place these claims into better form for U.S. practice. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Accordingly, the foregoing amendments to the specification and claims introduce no new matter, and their entry and consideration, and reconsideration of the present application, are respectfully requested.

II. The Restriction Requirement

In reply to the Office Action dated **March 28, 2005**, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-50 and 52 drawn to a composition of comprising a non-molecular scaffold comprising a core particle and an organizer.

Further to the Restriction Requirement, the Examiner has required further election of species. Applicants note, however, that the Examiner has also referred to the Election of Species as Restrictions Under 35 U.S.C. § 121. If the Examiner intends these as elections of species, Applicants elect from within Group I, subgroup A, directed to a non-natural molecular scaffold comprising a core particle and an organizer, for examination. Within subgroup A, Applicants elect the species of sub-subgroup 1, directed to viruses, virus like particles and the like, for examination. From within subgroup A, Applicants further elect for examination: from within claim 14, species (r), the amino acid sequence of SEQ ID NO: 158; from within claim 23, species (l), the species of recombinant proteins of RNA-phages; from within claim 25, species (a), the species of bacteriophage Q β ; and from within claim 35, the group of linkers identified as (a) on page 8 of the Restriction Requirement, which are (a), (f), (h)-(k), (o), and (q) in claim 35.

The aforementioned elections of restriction group and species are made without prejudice to or disclaimer of the other claims or inventions disclosed, and are made with traverse.

The election of Restriction Group I is made with traverse because all the claims of Groups I-III should be grouped and examined together. All claims can be examined without serious burden because a search of the art for the claims of Group I should find art also relevant to the claims of Group II and III. At the very least, groups I and II have both been classified in the same class by the Examiner.

Further, if the election of species requirements were intended to be restriction requirements, Applicants also traverse this requirement. All the claims and species within group I belong to the same class and subclass. Hence, a search for art relevant to the examination of one subgroup would find art relevant to the examination of other subgroups.

Hence, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

The election of species is also made with traverse, as a search for art relevant to the elected species should find art also relevant to all of the other species. Hence, Applicants request rejoinder and examination of all of the species together as so doing would not create an undue burden on the Examiner.

This traversal of the Restriction and Election of Species requirements should not be construed as a statement or an admission that the various groups and/or species identified by the Examiner are or are not patentably distinct. Instead, Applicants respectfully contend that the search required to examine all pending claims will not impose serious burdens on the Examiner. Imposition of a serious burden without restriction is a requirement for a proper restriction requirement and election of species requirement. *See* 37 C.F.R. § 1.141(a); *see also* MPEP §§ 803 and 806.04(b). Therefore, reconsideration and withdrawal of these requirements are respectfully requested.

III. Compliance with the sequence rules.

On page 13 of the Office Action, the Examiner brought to Applicants' attention that some sequences are recited in the specification and claims without the recitation of a SEQ ID NO. Applicants thank the Examiner for bringing this matter to their attention. By the foregoing amendments, the specification and claims have been amended to bring them into compliance with 37 C.F.R. §§ 1.821-1.825.

Conclusion

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the

number provided. Prompt and favorable consideration of this Amendment and Reply is respectfully requested

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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